

her colleagues. It is long past time the Biden administration revisit this decision and send us somebody who fits that description.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE SESSION

INVESTING IN A NEW VISION FOR THE ENVIRONMENT AND SURFACE TRANSPORTATION IN AMERICA ACT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3684, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3684) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Pending:

Schumer (for Sinema) amendment No. 2137, in the nature of a substitute.

Carper-Capito amendment No. 2131 (to amendment No. 2137), to strike a definition.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, this week, the Senate has been considering historic infrastructure legislation.

We have seen a lot of positives in this process. Twenty-two amendments have been processed, and 12 of those amendments have been adopted. Many of those are bipartisan amendments that our fellow Senators have worked on together.

On Thursday, we saw the process hit a snag. We have colleagues who sincerely want to debate their remaining amendments, but we had objections that prevented our votes from moving forward. In my view, that is unfortunate. I want everybody's voice to be heard because a number of the amendments awaiting action would actually improve this legislation, and, again, we have consensus on both sides on that. I hope we can reach agreement on a package of amendments that can receive votes before we pass this bill in final.

In particular, I support an amendment that Senator CORNYN from Texas would like to offer to allow States to use previously appropriated COVID funding to finance infrastructure projects.

When I began negotiating with the White House in April and May, this was one of the things that I put on the table with the President, and I know the G-20 has also had this on the table with the President. So it has been a topic of great discussion both here in the Senate but also with the White House as well. The Cornyn-Padilla amendment would unlock tens of billions of dollars—more for highway,

transit, and housing infrastructure—without adding to the cost of this legislation.

I plan to vote for cloture at 12 noon because this infrastructure legislation makes important investments in our Nation's future. I am a West Virginian, and all West Virginians and all Americans will benefit from the roads, bridges, water infrastructure, broadband, and other modes of core infrastructure that would be financed through this bill, but I believe something more foundational than infrastructure is at stake here.

We need to demonstrate to the American people that we can work together in this Congress to pass major legislation that benefits our country and, I might add, legislation that we have passed more than a few times in the past. Infrastructure is that perfect place to do that.

Senator CARPER and I led the Environment and Public Works Committee with the surface transportation reauthorization bill, and the Presiding Officer is on that committee. We passed that out of our committee with unanimous support, and we also passed a drinking water bill that passed out of our committee with unanimous support but also out of this body with 89 votes. Both of those bills are included in this package in their entirety. Bipartisan bills reported by Commerce and the Energy Committees are also included.

I certainly appreciated Chairman CARPER's leadership and partnership throughout the entire process. I appreciate the efforts of our colleagues in the G-22 who have worked with each other tirelessly and with the Biden administration to get us to this point.

We will soon have a chance to advance this infrastructure legislation toward final passage. Is this bill perfect? No—no compromise legislation ever is—but it will make a big difference in modernizing our country's infrastructure. More than that, we will demonstrate that both Republicans and Democrats can come together and do big things that move our country forward.

I have just a bit of a recitation to remind folks what is in this bill. I will try to speed this part up.

The bill provides \$303.5 billion over 5 years for Federal highway programs—a 35-percent increase. That investment represents historic funding for our roads and bridges and provides States with the long-term certainty that they need and flexibility that they need to complete projects.

The bill ensures that 90 percent of the funding is distributed by formula—very predictable. It gives the States the certainty they need to prioritize their projects. For West Virginia, that means over \$3 billion over 5 years. That is a huge investment for our State and much needed.

This bill also creates something that I am passionate about, the Rural Surface Transportation Grant Program to

award \$2 billion in competitive grants over 5 years to improve and expand roads and bridges in rural America. I am especially excited that this program has a 25-percent set-aside for projects that support the completion of the Appalachia Development Highway System, otherwise known as ADHS. That set-aside means ADHS projects in West Virginia are eligible to compete for \$500 million over 5 years in discretionary grants. This package will move our Corridor H project along significantly because we know that that project will be getting \$195 million, and this grant program opens up the possibility of more. This is a vital connection in our State for our tourism and our economy. It also will open us up even broader to the east coast.

West Virginia will receive \$506 million to refund and repair our State's bridges, addressing a critical need certainly in our State and across the Nation. This funding is part of the single largest investment in bridge infrastructure since the construction of the Interstate Highway System.

Briefly, the bill recognizes that broadband is core infrastructure and prioritizes unserved communities. This is the area I have gotten really the most questions about: What is this going to do for West Virginia, for the digital divide areas that are still unserved?

Today, education, tourism, healthcare all rely on high internet speeds. I launched my Capito Connect Initiative in 2015 to help expand broadband infrastructure in our State. Many communities that lack adequate broadband are already struggling economically. It is impossible to compete for jobs if a community cannot offer good internet service, causing these areas to fall even further behind. And I will say, since the pandemic, rural America—as we have known who live in rural America—is a great and wonderful place to live. More people in congested areas are realizing there are a lot more pluses in rural America than what, maybe, they might have realized over a year ago.

The bill invests \$65 billion to help fix our country's digital divide. That funding would support a formula-based grant program to States and also supports competitive grants, like the USDA's ReConnect Program.

Additionally, this bill makes large investments in clean and safe drinking water; it provides resources that will put West Virginians to work cleaning up our abandoned mines and orphaned wells.

Every Senator could stand here and tell similar stories about the investment that this bill will make in his or her own State. This is the perfect time for us to come together toward the end of a summer that has been full of stops and starts, and we need to pass this legislation that will benefit every American.

I hope my colleagues will join me to advance this important legislation toward its passage.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I ask unanimous consent to be able to complete my remarks this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, well, soon we are going to vote on cloture, and we will move toward, I hope, concluding our consideration of the Infrastructure Investment and Jobs Act.

I have spoken, as our Presiding Officer knows, over the last few days quite a bit as to why the legislation we are considering today is so important.

I think that as we prepare to take this vote, though, we ought to take maybe just another minute or two and reflect on the bill's merits and the needs that it will address—important needs it will address—for our country.

In my opening statement, several days ago, I reminded the Senate that the state of our Nation's infrastructure currently ranks and rates at a C-minus according to the American Society of Civil Engineers. That is not the infrastructure that the American people want or need in the 21st century.

In the jurisdiction of the Environment and Public Works Committee, which Senator CAPITO and I are privileged to lead and which the Presiding Officer is a new member of, this bill includes language that will make historic investments in our roads, our highways, and our bridges—a 34 percent increase, if you will, over the last 5 years. The bill will also reauthorize our drinking water and our water sanitation programs at robust new levels.

As we take this vote, I think it is important to reflect on our past efforts. I want to go back in time and why this vote is so important today.

Since I first joined the Congress as a brandnew freshman Congressman from Delaware in 1982, we have updated our transportation laws in this country some eight times—eight times. With each of these efforts we have tried to improve our policies, address gaps, incorporate new information, and deliver needed resources.

The modern era of these transportation laws began in 1991. George Herbert Walker Bush was the President, and Congress passed and then President Bush signed into law legislation called the Intermodal Surface Transportation Efficiency Act, or ISTEA, as it was called at the time—ISTEA.

Until ISTEA legislation was adopted—enacted and signed into law—as a matter of Federal policy, we divided transportation into separate systems. We had, on the one hand, highways; another hand we had rail; another hand

we had transit, and our policies really didn't consider them as a united, unified, integrated system, which is how most commuters and most travelers in our Nation really thought it to be.

ISTEA sought to change that. ISTEA sought to change that by requiring integrated regional planning of transportation systems that accounted for and better facilitated connections amongst our highways, our rail, and our transit to enable more efficient freight movement and more efficient movement of people.

It was around the same time that we also integrated our transportation policy with the Clean Water Act, which represented a major strengthening of our pollution laws to respond to urban smog, acid rain, ozone depletion, and other air pollution problems.

For the first time, transportation planning was obliged to take into account pollution from mobile sources and take steps to reduce the considerable contribution of transportation to our pollution.

Today's legislation substantially builds on our historic efforts to reduce dangerous emissions like greenhouse gases and particulate matter that spew from too many of our cars, our buses, and other modes of transportation.

Congress took another major leap in transportation policy a few years later, in 1998, in fact, with the Transportation Equity Act for the 21st Century, also known as TEA-21, which focused on improving safety while advancing America's economic growth and competitiveness.

Nearly 10 years later, in 2005, as transportation fatalities reached a 10-year high of over 43,000 people—over 43,000 people—President George W. Bush, son of Herbert Walker Bush, signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. That is a long title, but we found an acronym for it, SAFETEA-LU, in 2005.

At its core, the key was that this legislation improved highway transportation safety through the creation of the Highway Safety Improvement Program to reduce highway fatalities.

Then, in 2012, President Obama signed into law the Moving Ahead for Progress in the 21st Century Act, known as MAP-21. Responding to concerns about the growth of the number of small programs, MAP-21 sought to simplify the highway program structure, provide more flexibility to States, while also increasing their accountability and focusing on performance outcomes, including safety, asset conditions, congestion, and air quality.

Congress reauthorized our transportation laws most recently in 2015, when President Obama signed into law the Fixing America's Surface Transportation Act, or FAST.

The FAST Act focused on freight movement, supported with new formula and competitive grants for highway and intermodal freight, as well as a focus on Federal and State freight planning efforts.

Today, our Interstate System is a critical national asset, carrying over a quarter of all motor vehicle travel in our Nation—over one-quarter—despite being only 1 percent of all lane miles.

These highways have enabled a significant expansion of truck movement, including supporting local businesses, interstate commerce, international trade, and providing Americans with access to low-cost goods and services.

Along with the many benefits of interstate highways have come indisputable costs. Highways have spawned sprawling auto-dependent and development patterns that exacerbate greenhouse gas emissions, thus compromising our efforts to deal with a changing climate.

Interstate highways divided communities and were often intentionally built through minority and low-income neighborhoods, becoming tangible evidence of racism. Today, more than 36,000 people lose their lives each year on our roadways. While we seek to maintain the mobility benefits of the Federal-aid highway system, we must also acknowledge and address these significant detriments.

We have been at the hard work of transportation policy for a long, long time in this country, and we have enjoyed major success, benefiting our people and our economy. And if we are honest with ourselves, we have made quite a few mistakes along the way, dividing communities with poorly considered projects and developing a transportation sector that produces twice as much greenhouse gas emissions as any other country's transportation sector.

We have an opportunity to learn from both success and failure, and we must account for new challenges that were not on our radar screen in the past—not the least of which are the serious threat of climate change and the obvious specter of environmental injustice.

Today, we are rising to the challenge. The bill before us, the Infrastructure Investment and Jobs Act, includes, among other provisions, the largest Federal investment in public transit in history; the largest investment in clean drinking water and wastewater infrastructure in history; the largest investment in clean energy transmission in history; the largest investment in climate resiliency in history; and the largest investment in transportation electrification in history.

Infrastructure policy is a little bit like an aircraft carrier. The Presiding Officer, who just left the podium, retired as a Navy Captain, and so did I. He and I both spent a lot of time in airplanes, and he spent a fair amount of time in outer space as an astronaut. But we have both spent some time on aircraft carriers, and we know you can't turn an aircraft carrier on a dime. With the Infrastructure Investment and Jobs Act, as we say in the Navy, we are "coming hard about." Coming hard about. The carrier is turning. We are finally recognizing climate change and addressing it. We are

recognizing some of the mistakes of infrastructure policy in the past and fixing them.

Before I call for us to invoke cloture, I am channeling today, of all people, Winston Churchill. I love Churchill. I know he is quoted by a lot of my colleagues as well. One of my favorite quotes from Winston Churchill is, "The further back we look, the further forward we see." Another one I especially like from Churchill is, "You can always count on America to do the right thing in the end after trying everything else."

It would seem, as we have gone through this legislative process, that we have tried just about everything else. We had a lot of surprisingly good debate here on this floor. Senator CAPITO, my colleague and partner in the Environment and Public Works Committee, has done a great job. But we have seen a lot of amendments offered—over 20—to this bill. I think most of them were bipartisan. A bunch of them have been adopted.

The other thing I would just offer from Churchill is another one of my favorites:

Democracy is the worst form of government devised by the wit of man . . .

Democracy is the worst form of government devised by the wit of man . . .

This is a hard way to go, and we have learned that again as we have gone through this process. As we prepare to maybe, hopefully, invoke cloture, I again want to say how much I have enjoyed working with my ranking member, Senator CAPITO—two West Virginians who found common ground on these issues and worked hard to lead our team and a lot of other committees of jurisdiction. Another one of them was led by another West Virginian, JOE MANCHIN. I want to thank all those committees for their good work and for the leadership we received from our leaders.

With that having been said, let's go ahead and vote, and I hope to vote to invoke cloture and take the critical next step.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER (Ms. SMITH). Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Sinema substitute amendment No. 2137 to Calendar No. 100, H.R. 3684, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Charles E. Schumer, Thomas R. Carper, John Hickenlooper, Jon Tester, Richard J. Durbin, Joe Manchin III, Kyrsten Sinema, Jeanne Shaheen, Angus S. King, Jr., Mark Kelly, Chris Van Hollen, Tammy Baldwin, Benjamin L. Cardin, Margaret Wood Has-

san, Sheldon Whitehouse, Amy Klobuchar, Christopher A. Coons, Mark R. Warner, Patrick J. Leahy.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 2137, offered by the Senator from New York, [Mr. SCHUMER] for the Senator from Arizona, [Ms. SINEMA] and the Senator from Ohio, [Mr. PORTMAN] to H.R. 3684, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Georgia (Mr. WARNOCK), is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. RUBIO), and the Senator from South Carolina (Mr. SCOTT).

The result yeas and nays resulted—yeas 67, nays 27, as follows:

[Rollcall Vote No. 309 Leg.]

YEAS—67

Baldwin	Grassley	Portman
Bennet	Hassan	Reed
Blumenthal	Heinrich	Risch
Blunt	Hickenlooper	Romney
Booker	Hirono	Rosen
Brown	Hoeven	Rounds
Cantwell	Kaine	Sanders
Capito	Kelly	Schatz
Cardin	King	Schumer
Carper	Klobuchar	Shaheen
Casey	Leahy	Sinema
Cassidy	Lujan	Smith
Collins	Manchin	Stabenow
Coons	Markey	Tester
Cornyn	McConnell	Tillis
Cortez Masto	Menendez	Van Hollen
Cramer	Merkley	Warner
Crapo	Murkowski	Warren
Duckworth	Murphy	Whitehouse
Durbin	Murray	Wyden
Feinstein	Ossoff	Young
Fischer	Padilla	
Gillibrand	Peters	

NAYS—27

Blackburn	Hyde-Smith	Paul
Boozman	Inhofe	Sasse
Braun	Johnson	Scott (FL)
Cotton	Kennedy	Shelby
Cruz	Lankford	Sullivan
Daines	Lee	Thune
Ernst	Lummis	Toomey
Hagerty	Marshall	Tuberville
Hawley	Moran	Wicker

NOT VOTING—6

Barrasso	Graham	Scott (SC)
Burr	Rubio	Warnock

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 27.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, earlier today, I quoted Churchill actually a couple of times. One of my favorite

Churchill quotes is, when asked when he was being thrown out of office at the end of World War II—he was asked by reporters outside of 10 Downing Street: Mr. Churchill, for you, is this the end?

He said: It is not the end. This is not the beginning of the end.

He said: This is the end of the beginning.

While we are grateful for everybody who voted for cloture, it is not the end, but it takes us a step closer to the end. I just want to thank everybody who came in, took the time to get here to vote. We are prepared to take the next step. It involves some additional negotiations. A lot of folks have amendments they want to offer. Some of those that are not germane I think will largely fall away. There are legitimate, germane amendments that still need to be negotiated and may require some unanimous consent votes.

This is another step, important step. I am grateful that we could be this far. I note Senator CAPITO feels the same way.

AMENDMENT NO. 2633

Mr. CARPER. Madam President, I call up amendment No. 2633 to H.R. 3684.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Delaware [Mr. CARPER] proposes an amendment numbered 2633.

The amendment is as follows:

(Purpose: To establish an effective date for the bill)

On page 15, between lines 5 and 6, insert the following:

SEC. 4. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act take effect on the date that is 1 day after the date of enactment of this Act.

Mr. CARPER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, now that cloture has been invoked on the substitute bill, we are one step closer to completing this product, which has been the subject of bipartisan negotiation with the White House for quite some time. I know a lot of hard work has been put into this, and I want to thank all of our colleagues who have contributed to it.

After much anticipation, we finally received the bill text earlier this week. Of course, a lot of it was what we expected to see: funding for roads, bridges, ports, waterways, airports, and broadband.

Under normal circumstances, an infrastructure bill would go through a long and arduous committee process

before ever coming to the floor. Members of the committees of jurisdiction would have an opportunity to debate and offer amendments and get votes on their proposals to try to improve the bill at the committee level. This provides a very important part of the ability of everybody to be able to participate in the process, one that is denied members of their committees of relevant jurisdiction when a bill comes to the floor already negotiated.

One of the challenges is when you have 20 people who agree on something and then they bring it to the floor, and, of course, then the 80 who have not been part of that discussion want to participate and want to try to improve the underlying bill.

I hope that now that the cloture on the substitute has been invoked, there will be an opportunity for us to vote on some additional amendments.

I have been working with colleagues on both sides of the aisle to identify new pay-fors that could be adopted as amendments, and we have come up with some good ideas that I hope can receive votes now, even postcloture.

But I want to talk specifically about an amendment that I have worked on with Senator PADILLA, the junior Senator from California, to fund infrastructure projects in communities across our country without increasing the deficit. Our amendment simply gives States and local governments the flexibility to use unspent COVID relief funding on infrastructure projects.

Right now, there are limitations that we put on that funding. Of course, at the time those limitations or guardrails were put on that funding, we didn't know how long this pandemic would last or what the actual needs were of the various States and local jurisdictions.

So qualifying expenses include things that are directly related to the pandemic, like COVID-19 testing sites, vaccine PSAs, and additional bed space for hospitals. But here is the rub: That funding cannot be used on expenses unrelated to the pandemic or items that were previously included in the budget. They must be new pandemic-related expenses.

In theory, and at the time, that made a lot of sense. After all, this funding was meant to bolster the fight against COVID-19 in our communities. But not every community has the same need. In many places, the most urgent needs aren't related to the pandemic because they have not been hit quite as hard as others, unfortunately, around the country. Some of their most urgent needs are what we are talking about here today: infrastructure—roads and bridges and the like.

We all know that the pandemic has interrupted infrastructure improvements across the country and forced officials to put many of these projects on the back burner. Maintenance, repairs, and construction projects have been put on hold, as you know, until there was enough funding to get things back on track.

I have heard from my constituents in Texas—State and local leaders—who are frustrated by this lack of flexibility with the Federal funding that they have already received or which they expect to receive. They simply like the option—not a mandate, but an option—to use this money when and where it is needed most.

But as I say, right now, their hands are tied. Many States and localities have relief funds on hand but no necessary qualifying expenses. They have to look at this big balance in their bank account knowing they can't actually spend it on some of their most urgent needs. That is especially the case in rural parts of the country.

In places where COVID numbers are, thankfully, low, leaders don't have the need or the opportunity to spend this money which we have already appropriated on the timeline set within that legislation. They simply don't have a need for the full range of pandemic-related resources that might be necessary in some parts of the country with higher case counts.

So the amendment that Senator PADILLA and I have offered would simply give leaders in rural and urban areas alike, where appropriate, the option—the option—to spend the funding on necessary infrastructure projects. That can mean widening a highway, making safety improvements on a bridge, or expanding broadband access. Urban areas could even use these funds for public transit improvement projects. State and local leaders know the needs of their community better than any of us here, and they should have the flexibility to spend that money where it is needed most.

But, Madam President, I think we have had a recent bit of evidence of how long it takes for Congress to act before the money that we appropriate actually gets to the intended beneficiary. To me, nothing is more exemplary of that than the eviction moratorium. Congress appropriated \$46 billion in rent relief, but if you look around the country, many of the intended beneficiaries of that rent relief have not yet seen that money, thus the movement toward extending the moratorium.

I know just from my own experience in Texas, after Hurricane Harvey, where Congress appropriated billions of dollars in relief, it has taken, literally, years for the money that come from Washington, DC, to get to the intended beneficiary.

One of the biggest benefits of the amendment that Senator PADILLA and I have offered is that this money is readily available and does not, again, as I said, add to the deficit or debt, but merely provides them flexibility, which means they will be able to put that money to use more quickly on infrastructure projects.

Again, this is not a mandate. This is an option. Any place that has new COVID expenses to cover can and should use the money they have for

that purpose. There is no question about that. But we simply give leaders the option to spend relief funds on urgent infrastructure projects that may otherwise go unfunded.

Here is the other problem. I know that many of our State and local leaders are sitting on these huge amounts of financial resources that we have appropriated, and they are figuring out: Well, if we don't spend it on something, then the Federal Government is going to claw it back or it may not just qualify for the expenditures that are already authorized.

So they will be under a lot of pressure to spend it on things that may be simply operating expenses and may not provide the long-term economic benefit that an infrastructure project would.

That is another benefit of giving them this flexibility. It is that it will incentivize them to spend the money on the types of things we would hope they would spend the money on if they don't need it for COVID-19.

Back in March, nearly three dozen organizations wrote to Secretary Yellen, the Treasury Secretary, urging her to make transportation infrastructure an eligible expense. They talked about the impact of COVID-19 on transportation revenue and noted that last year, 18 States and 24 localities announced delays or cancellations of transportation improvement projects, totaling more than \$12 billion.

They also noted that the pandemic impacted every State and community differently, something that should be self-evident, and asked for the flexibility, which they said "will be critical to ensuring funds are used expeditiously and with maximum impact."

President Biden's own Transportation Secretary has also suggested as much. In his testimony before Congress, Secretary Buttigieg said that the American Rescue Plan "has some flexibility in it" that he thinks could be used to support road budgets that have been impacted.

States and cities shouldn't be able to spend this money. They should be able to invest it and in the projects and resources they need the most. This is just simply common sense that I think all of us can get behind. It ensures that money that has already gone out the door, which will not add to our deficit or debt, will be used to the maximum impact before the sunset brings that flexibility and that money, those resources, to an end.

And it puts decision making at the local level. Local officials understand better than people in Washington, DC, what they need the most, and this gives them the flexibility to put that money to the most efficient and most effective use. This amendment has earned the support of a broad range of organizations across the country, and I am proud to work with Senator PADILLA to craft an amendment that both sides can get behind.

Today, I hope this will be one of the amendments to receive a vote on the

floor. We have to ensure that infrastructure investments are made fairly and paid for responsibly. A robust amendment process and commonsense bipartisan ideas like this one are the only way to get there.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Illinois.

EDUCATION

Mr. DURBIN. Madam President, it was in 1957 that there was a world event that changed my life and the lives of many others. I was just a kid in high school at the time. In fact, I wasn't quite in high school. But the Russians decided to launch a satellite called Sputnik, and that satellite, the size of a basketball, which emitted a tone as it flew through space, scared the world, all of us, to the point where the United States of America did something that was controversial but we felt was necessary.

We decided that the Federal Government of the United States would loan money to students like DURBIN to go to college because we were afraid of the Russians, and we knew that, if they had the scientific advantage of us, it could mean we would lose a war, which no one wants that to ever happen. So we created here in Washington something called the National Defense Education Act. I am sure that was carefully chosen to remind people that what we were doing was defending the country by loaning money to people like DURBIN to go to college, and I took advantage of it.

Those National Defense Education Act loans had terms that most of us from that era remember very well. You didn't pay anything on your loan balance for the first year you were out of college, and then you had 10 years to pay it off at 3 percent interest.

Of course, those of us who took out the loans for college—in my case, for law school as well—amassed this great debt and worried, when the day came for graduation, whether we would ever be able to pay it off. I remember saying to my wife: Loretta, they have just got all the National Defense Education Act loans. They put them all together, and I am afraid to tell you what has happened. We have a debt of \$8,000 for college and law school.

Students today don't believe that number, but that was the number, and it scared us to death that we wouldn't be able to pay it off in 10 years. Naturally, we did, and many others did as well, and the National Defense Education Act really became the pillar of the emergence of higher education in America.

Of course, there were those who cheated the system, and stories were rampant. Whether they were all true, I am not sure. There was the story of the doctor who graduated from medical school and, before he went into his lucrative practice, filed for bankruptcy and discharged all his Federal loans, Federal student loans. I don't know if that ever happened, but it certainly

was part of the urban legend around the National Defense Education Act.

So, over the years, there were efforts made to change the National Defense Education Act to avoid abuse, and one of the things that was decided was that that loan to go to school would not be dischargeable in bankruptcy.

You have to ask the basic question of how many debts are not dischargeable in bankruptcy. There are only a few: alimony, child support, criminal fines, taxes, and maybe one other. But I think a student loan is the only one of that bunch that is a consumer loan that you can't discharge in bankruptcy.

Over the years, the terms of the loans and the number of years that you were held back from filing bankruptcy changed. Ultimately, the decision was made that you could effectively never discharge student loans in bankruptcy.

We held a hearing on student loan debt in the Senate Judiciary Committee this week, and I am sorry Senator CORNYN has left the floor, but he and I have introduced a bill which has a good chance, I think.

We know that student loans are the fastest growing category of household debt in America—45 million student borrowers in our country. In a little under a decade, student loan debt has ballooned from \$1 trillion to \$1.7 trillion. The average student borrower now carries \$30,000 in debt, and many, especially those who are swindled by the for-profit colleges, owe well over \$100,000.

Americans of all ages are plagued by the debt. We have heard cases of grandmothers who have said to their granddaughters, "Well, of course, I will cosign your student loan," to learn that when the student, the granddaughter, defaulted, Grandma was responsible for it. For some, it is holding them back from buying a first home, starting a family, a business. For others, it means delaying retirement because of this debt.

This is not an individual misfortune. The student debt crisis is a threat to our economy. Federal Reserve Chairman Jerome Powell has warned that student loan debt may be a drag on our economy by preventing Americans from basic, fundamental consumer purchases of cars, savings accounts for retirement—otherwise, the economic growth of our country.

So we had a hearing in the Judiciary Committee, and we examined how difficult it is for student borrowers to get financial relief. These, as I said, are one of the very few categories of debt you cannot discharge in bankruptcy. You see, if you buy a home or a car and you fall on really hard times, you can declare bankruptcy and have all those debts discharged. If you like to gamble and you are not very good at it and you end up running up great debt on your credit card and you file for bankruptcy, your gambling debts through your credit cards can be discharged. You can even buy a yacht and have that debt

discharged if you haven't paid it off. But if you are a student borrower who, despite your best efforts, falls on hard times—lured into debt, perhaps, by attending a worthless for-profit college—a fresh start is not in the cards for you.

We had Diane Barta testify before the committee. She is from Richmond Hill, GA, 50 years old, a mother of two. She has over \$120,000 in student loan debt, much of it taken out for a worthless degree she received from for-profit school Ashford University. I mentioned that to Senator GRASSLEY during the hearing because Ashford University is a curious story.

A small Catholic college in Iowa was about to go out of business, and the nuns were persuaded that there was a company that wanted to buy it. So they sold the campus to this company called Ashford University. Ashford had no intention of reopening the campus. What they basically did was start an online operation, claiming the accreditation and the worthiness and the credibility of the previous college.

Well, we looked into it. In fact, it was Tom Harkin of Iowa, over 10 years ago, who investigated it and found out that Ashford was a fraud. It was just generating huge profits for their CEO and a few others, not providing anything nearly resembling higher education.

Ms. Barta was a good person who worked hard. She had two degrees—from a community college and then from another college—before she went for a master's degree at Ashford University. That was her downfall. She talked about how she had to file for bankruptcy in 2012 after her husband lost his job as a commercial plumber. She managed to get relief for most of her debts but certainly could not get discharged from her student loans that she had taken out at Ashford University, this notorious for-profit school.

Other student borrowers had their own stories. We have all heard them.

Angela, from Florida, wrote:

I'm a single parent and was on a single income living paycheck to paycheck. I've had the stress of these student loans haunting me for well over a decade now. . . . I am still being haunted.

Lisa, in Nevada, wrote that she had given up her passion, teaching—I repeat: teaching—because she needed to find a higher income job to pay off her student loans.

She wrote:

It is absolutely disheartening that when you try to better yourself in this country you're punished and not rewarded.

One more story.

Ann, from Washington State, declared bankruptcy in 2000 because her student loan payments were so high she couldn't afford to pay her bills.

She wrote:

I never go on vacations. I never married or had children for fear of burdening [them] with [my] debt. . . . I'm facing retirement with [that] threat [still looming over] my future. . . . Social Security checks will be garnished for my student loan.

This is clearly a crisis. Fortunately, both Republican and Democratic members of the Judiciary Committee agree that we need to do something. Congress has a responsibility to solve this problem. Wouldn't it be worth a headline somewhere, on some website, that we actually solved a problem like this?

Before 1976, student loans were treated like any other type of loan in bankruptcy. If you were facing financial ruin, you could get relief. Congress got the idea that student borrowers were running to bankruptcy court right after they had taken off their gowns and mortarboards and trying to wiggle out of their financial obligations. That is more anecdote than fact, but it was prevalent. Still, Congress began passing laws that made it harder to discharge student loans.

Since 1998, student borrowers could only discharge Federal student loans by proving they suffered from something called undue hardship. Well, you would think the cases I just read to you would be undue hardship, wouldn't you, people so deeply in debt that they can't get out of it and are forced to make life choices that are terrible?

Here is the issue: It is nearly impossible to prove undue hardship and discharge your student debt. That is your only escape now. In fact, in 2017, the Wall Street Journal found only four cases—four cases—in the entire country of bankruptcy judges discharging student debt for undue hardship.

For years, I have asked the Department of Education, the collection Agency, to change the way they challenge these undue hardship cases. I am still pushing on them, but Congress needs to do its part.

Another witness who joined us on Tuesday was my State attorney general, Kwame Raoul. He has been an advocate for student borrowers for a long time. He talked about these students being deceived and defrauded by these schools, particularly the for-profit colleges and universities.

Well, we have decided to do something about it. We have introduced a bill called the FRESH START Through Bankruptcy Act. It will allow struggling borrowers to seek a bankruptcy discharge for their Federal student loans after a waiting period of 10 years. That is a long time. If you can't pay off that loan in 10 years and you believe there is no other recourse, you could file for bankruptcy and have it discharged.

Our bill also includes another provision. I want to thank JACK REED of Rhode Island, our colleague here. He introduced the original bill with this concept. It includes important provisions to hold accountable educational institutions, particularly these notorious for-profit colleges with consistently high default rates and low repayment rates.

There are two numbers you need to remember—and that is it—to understand for-profit colleges and universities: Eight. What percentage of Amer-

ican high school graduates go to for-profit colleges and universities? Eight percent.

Next question: What percentage of student loan defaults in the United States are by students from for-profit colleges and universities? Thirty.

Eight percent of high school grads and thirty percent of student loan defaults. Why? Because these notorious, awful schools drag these young people into debt they can never get out from under. If they so-call finish and graduate from these schools, they find that they can't get the jobs that were promised. Their lives are virtually ruined. So we are basically saying it is time that these schools be held accountable.

At this point, the FRESH START bankruptcy will provide a meaningful timeline to student borrowers who have no other options. It is a breakthrough.

This is the first bipartisan bill the Senate has had, in my memory, to restore student borrowers' ability to discharge their loans in bankruptcy.

I want to thank Senator CORNYN, Republican of Texas. We kind of jokingly say, you know, it is one of those situations where you are on stage, announcing your bill, and you turn to one another and say: Have we both read this bill? Well, we have, and we understand it.

We are also going to consider an element that was raised during the hearing by one of our expert witnesses of defining what "undue hardship" is. Right now, it appears the courts couldn't recognize it in any form. There certainly are cases.

I talked about a quadriplegic veteran—disabled, unable to work—who was lured into one of these for-profit school scams and ends up in debt. Shouldn't they be able to discharge that student loan? There is no question they will be able to find some great-paying job in the future. They struggled to basically face up to their illnesses, and we hope that they have the very best future, but even then, it is tough to get out from under the debt.

I hope this is a first of many steps that we will take in the committee and other places, on a bipartisan basis, to deal with this challenge.

One other point. One way for students to avoid becoming buried in student loan debt in the first place is to be very careful, particularly of for-profit colleges and universities, and secondly, take advantage of the affordable alternative community colleges. Community colleges are an underused superpower of our economy. They help students gain the knowledge and skills they need to thrive, and they prepare workers to compete in the 21st century.

I totally support President Biden's plan to build back better and provide every high school graduate to be able to continue their studies through community college, without debt. The same goes for displaced workers who want to learn new skills to get a better

job to support their futures. Americans will be able to obtain 2-year degrees or specialized certificates without taking on mountains of debt.

In the greatest country in the world, a college education shouldn't be a luxury; it should be guaranteed to everyone. That is the only way we can launch a new dream of American prosperity and truly build back better after this pandemic.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAINE). Without objection, it is so ordered.

Mr. MANCHIN. Mr. President, I want to take a moment to thank all my colleagues on both sides of the aisle, in this great deliberative body, for showing the United States and the entire world that the United States Senate is not broken. Actually, we are doing fine. We can work together and do much better. We can also come together and do big things, and we did with this investment in American infrastructure.

America has not seen this type of infrastructure investment in the last 30 years—talked about it a lot and haven't seen anything. The polls have shown that the American people are overwhelmingly supportive of this infrastructure deal. Americans of both political parties know it is long past time to make this investment. And once the roads are repaired so the children are safe on the buses, they want better internet service so they can connect and compete in the 21st century.

It is just unbelievable what we can do. This is about clean water and upgraded sewer systems. You would think in the 21st century this all would be a void anywhere in America, but it is—it really is.

This is the largest long-term jobs bill in decades. It will create good-paying, long-term jobs over the next 8 to 10 years. So if you want to basically make sure we don't hit the highs and the lows as far as the job opportunities, job markets, and the economy, this bill does that.

It is the largest investment in clean drinking water and wastewater infrastructure in the history of our country—in the history of our country. It is the largest dedicated bridge investment since the construction of the Interstate Highway System.

It is the largest investment in energy transition in history, and puts our money where our mouth is on technologies that are critical for the future. And it is the largest Federal investment in passenger rail since the creation of Amtrak.

And our bipartisan infrastructure package does not raise taxes on everyday Americans. It does not. A large

piece of this bipartisan infrastructure bill came out of the Energy and Natural Resources Committee, which I am privileged and honored to chair. We reported the Energy Infrastructure Act out of our committee with a bipartisan vote after—after—holding a legislative hearing and a robust amendment process. That is called regular order. It is something we have heard about for many years—we just haven't seen it for a long time—and it is working.

The Energy Infrastructure Act will create good-paying jobs and demonstrate the energy technologies needed to reduce emissions while maintaining affordable, reliable, and dependable energy and our Nation's position as a global energy leader.

I have said all along that the United States of America is now energy independent. We must fight to maintain that position. We should not be held captive by any foreign entity or any foreign country where we are depending on any type of supplies that the American people need—any type of supplies—and energy is one of our greatest, and we can do it cleaner and better than ever. I have always said you cannot eliminate your way to a cleaner environment. You can innovate your way to a cleaner environment, and we have proven that, and we can do an awful lot more too.

It also builds off the great work already done in my home State of West Virginia and your State of Virginia, Mr. President, to demonstrate advanced geothermal technology and establish a reliable, U.S.-based, rare-Earth-element supply chain.

I have had consideration and I have had some pause on us moving so rapidly into electric vehicles. My reason for my pause has been this: We do not produce the rare-Earth minerals—the rare-Earth minerals that are needed to build these batteries. And we have to be very, very careful that we don't put our transportation system—our transportation mode in America in the hands of foreign supply chains. We could be held very, very captive on those.

I remember in the 1970s, when the oil embargo from the oil cartel—the oil embargo basically shut our businesses down, and then we had rapid inflation coming after that. It was just horrible.

Importantly, the legislation also reauthorizes abandoned mine lands and reclamation fees. In southwest Virginia and all of West Virginia, we have a tremendous amount of mines that this country needed to be the superpower of the world.

Now it is far beyond time for us to clean that up, and this is something we can do, and this bill does that. It is set to expire, as far as our AML reclamation fees in September. For an additional 13 years, we have extended that, while investing \$11.3 billion into reclaiming these abandoned coal mine lands, which an awful lot of beach area and water and things were harmed for a long time and needs to be fixed.

It also funds the demonstration of clean energy on the abandoned mine lands and authorizes grants for manufacturers to locate in coal communities. These coal communities around the country bear the scars of the work that powered our Nation to greatness, and this investment will clean up those areas and provide new economic opportunities.

The bill also shores up the reliability of our electric grid systems. Our grid has basically been around for a long time, and with all the new technologies coming on and all of the renewable power, that is not always produced in the area where we have the grid system, and it is time for us to expand and make sure our grid system is able to deliver the energy our country needs.

The bipartisan Energy Infrastructure Act authorizes \$110 billion, much of which is also funded and is a vital component of the whole infrastructure package. So we are not just talking about it. We are putting a lot of money into upgrading the grid system and the reliability of it.

This bill will truly do much good across the United States. Let me just give you the historic investment in the needs of our Nation: \$110 billion for the roads and the bridges; \$65 billion for broadband access; \$66 billion for railroads; \$25 billion for airports; \$55 billion for drinking water and wastewater systems.

I don't know what infrastructure is if you don't call that infrastructure. This is as good as it gets. It is something that we all have talked about for many, many years.

My State of West Virginia benefits from this bipartisan infrastructure bill. It will help expand broadband access across West Virginia with a minimum allocation of \$100 million to help provide broadband coverage across the State, including providing access to at least 258,000 West Virginians who currently lack it because of our terrain.

I think the Presiding Officer has been there many, many times, and you understand what we are dealing with. It is really challenging, but if we take just a commonsense approach—and I have always said this: If during Franklin Delano Roosevelt, when he took over after the Great Depression, if he could electrify America—rural electrification—if he could do that in the thirties, surely and goodness, we can basically make sure that every household has fast, high-speed internet service. We can make that happen, and we are going to use the same blueprint that was used many, many years ago, almost 100 years ago.

We believe that number is much higher than the 258,000. But, here again, I am urging the FCC to fix their coverage in the maps. The maps are not accurate. They haven't been accurate for years. I will never forget when I had one of the chairmen of the FCC in my State one time, and we were talking, and I said: Why don't you meet me at a certain place in my State? I said:

We will have a meeting. I want to talk to you.

He was kind. He drove over there with his staff. I said: Why don't you call back to your office and ask if they have any messages for you. I said: The map here shows—your map shows—that you are covered. And I said: You can use any phone you want, any service you might have.

And he said: My goodness, I didn't know.

I said: Sir, this is exactly what we are dealing with. The maps are not accurate, and West Virginians are getting left behind.

There are 543,000, or 31 percent, of the people in West Virginia who will be eligible for the affordability connectivity benefit, which will help low-income families. You can have internet service, but if it is so costly that people can't afford it, then you have a problem. This goes along with the same thing as LIHEAP, which helps people with their utilities who, basically, are working hard and trying to make it but having a hard time. This makes sure that everyone can connect and basically benefit from this opportunity.

West Virginia also has some of the worst roads in the Nation. This bipartisan bill will repair and rebuild our roads and bridges. In West Virginia, there are 1,545 bridges—1,545—and over 3,200 miles of highway in poor condition. Since 2011, commute times have increased by 6½ percent and, on average, each driver pays \$726 per year in additional costs due to repairs by driving on roads that have needed repair.

That is simply unacceptable, and it truly, truly shows the deferred maintenance that we have let go for far too long. Based on formula alone, West Virginia will receive \$3 billion for Federal-Aid Highway programs and \$506 million for bridge replacement and repairs. We have the greatest need of bridge replacement.

The reason why is that, in the 1930s, the constitution of West Virginia changed during the Great Depression, and basically everything was put on the State. Before that, local counties and communities were all responsible to a certain extent, but when the Depression hit, the Constitution was changed in 1932, at the height of the Depression, and everything was: This is the State's responsibility; we can't pay no more.

So the State has a tremendous obligation here, and we want to make sure we help them.

West Virginia can also compete for the \$12.5 billion Bridge Investment Program for economically significant bridges and nearly \$16 billion of national funding in the bill dedicated for major projects that will deliver substantial economic benefits to communities.

And we have to address public transportation in the Mountain State. West Virginians, who take public transportation, spend an extra 77 percent of their time commuting—commuting—

and non-White households are five times more likely to commute via public transportation. That is a fact, and we have to address these facts and fix them.

And 32 percent of the trains and other transit vehicles in the State are past their useful life. A third are past their useful life. Based on formula funding, West Virginia would expect to receive \$196 million over 5 years to improve public transportation, which is desperately, desperately needed.

These investments are vital to bringing good-paying jobs to our State of West Virginia and the Presiding Officer's State of Virginia and all of our States in this great country of ours, and spurring economic development like we have never seen before. This is solid economic development, not just sending checks, not people just receiving checks but people receiving an opportunity of the dignity of work and the ability to be able to do what needs to be done in order for them to survive and sustain a quality of life.

I am incredibly proud of our bipartisan group of Senators who have worked together day and night to hammer out a compromise that will address our infrastructure needs without going overboard. And I will remind everyone that not one Senator got everything they wanted, but we all got what we needed. This is how compromise works. This is what this body was made for. This is why the Senate is called the most deliberative body.

It is hard, when you want to basically take every opportunity to work with every single Senator here, to make sure you can help them with the problems and needs they have in their own States, and that is what we have done.

I have always said: The best politics is good government.

Everybody worries about: Oh, I am not sure if that is good for my politics.

Let me tell you, if you do something good for all, it is good for you. It will be the best politics you have ever done.

If we do something good, we all take credit for it.

I have seen people take credit for things they voted against because it was good. It worked well. It didn't bother me at all. I am glad. Maybe they won't fight us as hard the next time. Maybe they might join us. Who knows?

I look forward to passing this important legislation with strong bipartisan support. I just think this is a moment for our country. This is extremely important for our country to show that we can still work together and to show that we are united when it comes to the needs.

I have always said: There are a few things in this country that basically unite us. One has always been our military. We want to support our military, our law enforcement officers, our firemen, and all the people who run into harm's way when everyone else is running away from harm's way. Those peo-

ple are special—very special—I have always said. We all seem to rise always for that.

But now we have one other. We have infrastructure, which unites us. I have never seen a road in my State, in the Presiding Officer's State, or anywhere in the country that had a bad road or a bad pothole that busted my tire that had a Democrat or Republican name on it. It will get the Republican, as well as it will get me and the Presiding Officer.

So that is why this brings us together. We all have these needs. As Governors, we had the same needs. We used to talk across the board—whether it be education, whether it be highways, whether it be different things that we needed in our State that we all had the same concerns and problems with. We never worried about whether it was a Republican or Democrat being the Governor. The Presiding Officer had the same problems we all had, and we shared successes and the challenges and how to overcome those challenges. This is who we are as Americans.

And how we become so divided, I don't know. It worries me, and the reason I say this is that this is probably the most important bill that we have worked on in many, many years because it is the most difficult, challenging times of our lives. Our country has never been more divided than it is today, and we need something to bring us together.

I am so thankful that President Biden has taken this piece of legislation as his own and gone around the country on how important this piece of legislation is for not just his administration but for the entire country. He has been able to identify that. Democrats and Republicans—we are going to have 20 Republicans today get on the bill. Everyone was afraid that someone is going to get mad and leave. We kept gaining. And as they see the support back home, it will continue to create more momentum. That is what we need. This is extremely as important as anything we do from this day forward to pass a bipartisan bill—show the people that basically, yes, we are all Americans first, and we are going to take care of the deferred maintenance we let go for far too long because of politics. We have set politics aside to take care of America.

So I encourage all of my friends, please, look and see what this bill does for America. Look and see what this bill does for your State. You will be surprised. And I think we have tried to help everybody that we could, and we will continue to work together.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. HAGERTY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGERTY. Mr. President, I support hard infrastructure. It is in my DNA. As a kid, I grew up shoveling asphalt. My father and my grandfather were in the road construction business.

I served as the economic development commissioner in my home State of Tennessee. I understand firsthand the importance of quality infrastructure. It was essential to attracting good jobs to my State. So I am in complete agreement that shoring up our hard infrastructure is a worthy cause.

This bill does some of that, and that is good. But there are both good ways and bad ways to achieve noble ends. And the question is, What is the best way to achieve this goal? And my frustration is with the methods and with the vehicle that is being used here.

The first problem is that the bill sponsors repeatedly said it would be paid for. In fact, it is not. And it is more than a little bit off. It is over a quarter of a trillion dollars short. That is almost seven times the budget of my home State of Tennessee.

We waited weeks for the text of this legislation. And before the text even existed, the Democrat leader forced the Senate to vote on proceeding to it. There is absolutely no reason for rushing this process and attempting to limit scrutiny of this bill other than the Democrats' completely artificial, self-imposed, and politically driven timeline. There will be more on that later.

The text, all 2,700-plus pages of it, was finally made available to us 6 days ago. The Senate has been able to consider that this week, but the Senate continued to wait all week for the Congressional Budget Office's analysis of what it would cost.

The CBO is the entity that Congress has agreed is responsible for scorekeeping on what legislation will cost the American people.

Let's keep in mind that meeting the definition of "paid for" in the CBO's eyes doesn't always make sense to the average American. For instance, CBO allows spending now to be offset by projected savings that won't happen for 10 years. CBO can allow savings that are already occurring naturally to count, effectively, as new savings for purposes of scoring a bill.

The point is, this kind of scoring is designed to make it easier for a bill to be scored as paid for, at least on paper.

As an example, the University of Pennsylvania's Penn Wharton Budget Model estimates that this legislation would actually add \$351 billion in deficit spending, an even higher total than the CBO estimate.

The point is, even using these scorekeeping advantages, the CBO has made it clear this bill isn't paid for.

I understand why the Democratic leadership kept the CBO score under wraps until Thursday. It showed that the bill fell far short of ambitions. The CBO said that it misses the mark of being paid for by a cool quarter of a trillion dollars.

As an aside, I found it incredible that despite—or perhaps because of—getting this news on Thursday afternoon, Democrats tried to accelerate the passage of this bill later that same day. Instead of going through the normal multiday process for debating and enacting a bill, they tried to rush it through in the middle of the night. I objected to accelerating this process on Thursday because the Senate must carefully consider what it is doing.

Now, the proponents of this bill claim that the CBO's analysis is wrong. No matter how much explaining they do, the Senate agreed on the umpire before the game started.

To this end, if this bill is paid for, why will we have to waive Budget Act requirements later on in this process?

The Senate is going to have to pass this bill by waiving the Budget Act or the pay-go requirements. That is not "paid for."

Most of us probably won't be around when the bill comes due for this never-ending deficit spending here in Washington, but, sadly, our children and our grandchildren will be. The politicians in Washington spend now to buy votes but, conveniently, won't be around to deal with the consequences.

We can do hard infrastructure—again, that is a worthy goal—but we can do it without shoveling more debt onto the backs of our children and our grandchildren. Indeed, if we just limited this bill to hard infrastructure, it would be paid for. As I said, there are good and bad ways to achieve noble ends.

The second reason that I am opposed to this legislation is because of its Big Government, top-down approach. It includes many half-baked components that deserve far more scrutiny.

Rather than compete against China using our unparalleled innovation, our ingenuity, our technology, we are substituting massive government control to dictate, to fund, and to decide winners and losers. That is not the American way.

We are using the cryptocurrency market as a pay-for.

Have we fully vetted how this new regulation and taxation will affect this rapidly developing industry?

Will we wind up ceding this industry to others because of this regulation?

What is the point of even having committees in the Senate with expertise in certain matters if the most significant legislation that passes this body doesn't even go through?

The whole point of committees is to use them—use these committees to carefully scrutinize and refine important legislation, use committees to prevent unintended consequences that result from rushed legislation. Yet this is a 2,700-page bill that is going through no committees. Once again, we have to pass it to find out what is in it and then learn what kind of unintended consequences we can expect.

The third reason I am frustrated with this legislation is because it is tied to

what I believe is the Democrats' real ambition, which is their multitrillion-dollar march to socialism that they will unveil right after this infrastructure legislation is passed. Democrats have admitted this. This is their plan.

The far-left wing of the Democratic Party, which is effectively calling the shots these days, is demanding that Democrats here in Congress spend trillions of dollars to reshape American society, to make American citizens more dependent on their government. Their aim seems to be to turn the United States into a sclerotic, government-controlled state, just like Western Europe.

The upcoming legislation that we are talking about now is the third leg of the stool of the Democrats' overall plan. The first leg is to pack the Supreme Court so the Constitution no longer gets in the way of their plan. The second is to Federalize and take over voting laws and procedures, ensuring Democrats will never lose another election, propelling themselves into perpetual power over both the legislative branch and the executive branch.

And, third, they want to remake the U.S. economy and America's relationship with government into one where Americans begin to look to government for everything, from Green New Deal programs to daycare. In this world, American citizens will be less free, less prosperous but more captive and hooked on government programs. That means they will be more dependent on Democrats and the institutions that they control.

So far, Democrats have been unable to build legs one and two of the stool, but they are actively trying. President Biden has a court-packing commission ongoing, and the Democratic leader is, today, working on scheduling more votes on the election takeover. They are desperate to appease leftwing extremists that have all of the energy in their party because they need these extremists' support to win elections.

Yet they have stalled out on their first two goals, so they have come up with a scheme to build the third leg of their stool. They previewed phase 1 of the scheme in March, when they spent \$1.9 trillion in the name of COVID relief. Of course, 90 percent of it had nothing to do with COVID. It was really just a payoff to their most loyal political supporters.

Sadly, it is now causing the highest inflation that we have seen in decades. This inflation is a daily tax on every American who has to buy goods and services here in America.

But phase 2 of the scheme is even more devious. Step 1: Change the conversation to trillions with a "t." Make billions sound small. Condition the Congress, condition the media, condition the American public to these big numbers.

Remember, a trillion dollars is an astronomical number, and our children are going to have to pay for it.

Step 2: Tell the United States that America needs infrastructure; but

then, Step 3, redefine the term "infrastructure" to include government-dependency programs. Really muddy it up.

Step 4: When more reasonable Democrats in the Senate balk at some of these more expensive or egregious items, promise them a two-track process—one for hard infrastructure and one for social programs.

Step 5: Negotiate as much of your socialist wish list into the infrastructure track as you can. They got some of it into this bill, but not all of it. They will just put the rest of it into the wish list and put that wish list into the government-dependency bill that is yet to come.

Step 6: Pass the infrastructure bill through the Senate as quickly as possible. Drop a nearly 3,000-page bill and demand that it be passed immediately before we can even understand or scrutinize what is in it. The Trojan horse, my friends, is through the gate.

Step 7: Hold that infrastructure bill hostage in the House of Representatives until everything you couldn't get into the infrastructure bill—particularly meaning the trillions of dollars in government-dependency programs—are passed through the Senate. Therefore, NANCY PELOSI has promised that this bill will never become law until it is joined at the hip with the multitrillion-dollar socialist bill.

More on that in a minute.

Step 8: Say that the President won't sign the infrastructure bill into law if it is not accompanied by trillions of dollars in government-dependency programs. President Biden already did this before he clumsily walked it back, but we saw and we heard what he was thinking.

Step 9: To get the government-dependency programs part passed, circumvent the filibuster in the Senate by abusing an arcane loophole called reconciliation. Reconciliation was intended to save taxpayer dollars and to assure passage of an annual budget for the Federal Government. But now they are using this process—they are abusing this procedure to pass trillions of dollars of government-dependency programs with only 50 Democrat votes.

Step 10: Give reasonable Democrats political cover to support the parliamentary trick and the government-dependency spending by saying it unlocks the ability for their hard-fought infrastructure bill that passed the Senate—and, by the way, is now being held hostage in the House—to finally get through the House and to the President's desk.

Wait a minute. What just happened? Abracadabra. The American people are so confused by the Democrats' sleight of hand that they don't even notice that their wallet has been stolen and that their country has been fundamentally changed.

My question is simple: If these policies and this spending is so good, why does getting it done take a parliamentary house of mirrors?

There can't be a bipartisan deal on infrastructure if its enactment into law requires later tacking on all of the socialist wish list items that got excluded from the deal.

Democrats have telegraphed these plans. You just have to pay attention. The President of the United States, right after announcing the infrastructure deal, said it would be held hostage on his desk without the trillions of dollars of government-dependency spending alongside it.

President Biden specifically said this:

I expect that in the coming months this summer, before the fiscal year is over, that we will have voted on this bill—the infrastructure bill—as well as voted on the budget resolution. But if only one comes to me . . . this is the only thing that comes to me, I'm not signing it. It's in tandem.

Later, in response to a question, President Biden revealed: "Look, the bipartisan bill, from the very beginning, was understood there was going to have to be the second part of it," he said. "I'm not just signing the bipartisan bill and forgetting about the rest."

Now, he has later tried to muddy up the waters on this because he said too much. But if you read his cleanup statement carefully, he never took back his vow. He never said he would sign the bipartisan bill without having alongside it the partisan multitrillion-dollar bill.

The Speaker of the House has said the same thing repeatedly. On June 24, she said: There ain't going to be a bipartisan bill without a reconciliation bill.

She added again:

Let me be really clear on this: We will not take up a bill in the House until the Senate passes the bipartisan bill and a reconciliation bill.

A month later, on July 22, Speaker PELOSI again said:

We will not take up the infrastructure bill until the Senate passes the reconciliation measure.

It only takes one Democrat to end this insanity, to stand up and say he or she won't participate in this scheme. That would change the entire tenor of this debate and this process.

So while I believe in hard infrastructure, I cannot participate in doing it this way: first, by including in this bill a bunch of things that aren't hard infrastructure, and the result of that is throwing a quarter of a trillion dollars more debt at our children and our grandchildren; and, secondly, and most importantly for the future of this country, enabling this quadruple bank-shot attempt by Democrats to thread their government dependency fantasy through a House and a Senate that are divided by the narrowest of margins by holding this bill, once it passes, hostage in the House.

The stakes here are too high. America is an exceptional nation. We are distinct from all others throughout history. We are exceptional because we

provided more freedom and opportunity than any other. President Lincoln called it the "last best hope of Earth." Ever since, it has fulfilled that promise for countless generations.

We must fight to preserve our American system and the American dream, not in a tornado of hurried legislative activity that will seal its decline.

I am asking my colleagues to fight for this country's future. Our children and grandchildren deserve to have the same sort of wonderful opportunity that our parents and grandparents gave us. We need to make certain that they have a future for them that is better than today, and we are duty-bound to make certain that it happens. That is why I ran for office.

Let's work together on infrastructure, out from under the rapidly approaching cloud of socialism. Let's make this happen a different way.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. REED). The Senator from Tennessee.

Mrs. BLACKBURN. Mr. President, I want to concur with my colleague from Tennessee in his beautifully stated remarks and the way he has brought forward the frustration that Tennesseans have.

You know, I had the opportunity to be at home yesterday. We have a great event going on in Nashville this weekend. It is called the Grand Prix. I had the opportunity to be at the opening event with a lot of women, small business owners. I had the opportunity later in the day to go cut the ribbon for a big county fair and see lots of families and talk to families who were there. Do you know what? They are completely confused with what is going on.

See, Tennesseans are really smart. They watch what is happening in Washington, DC. They are so concerned about the future and about freedom and freedom's cause, and they continue to say, as my colleague from Tennessee stated, that they want the best for their children and for their grandchildren because they appreciate the American dream.

Many of them have lived the American dream, whether they are a farmer or a teacher; whether they are a lawyer, an accountant, a mom, a dad, somebody who owns a small business on Main Street in one of our 95 counties in our beautiful towns. They have lived it. They are living it every single day—blood, sweat, tears, working long hours, investing. They look at what is happening here in Washington, and they are saying: Why are you in such a rush to force us into bankruptcy?

You know, July 6, 2010—I use this statement all the time, Mr. President. Someone you and I each know because of our work on Armed Services: Admiral Mullen. July 6, 2010, he was asked a question: What keeps you up at night? What is the greatest threat to our Nation's freedom, our democracy? Do you know what he said? He said: Our Nation's debt.

Now, let me walk you back through the history of that debt. If we were to go from the time that George Washington became President up until the time that George W. Bush stepped out of office, our Nation had accrued a total of \$10.6 trillion in debt—too much for me.

When I would go to the White House with President Bush, I would say: Mr. President, there are two things that I think need to be addressed. No. 1 is the out-of-control Federal spending, and No. 2 is the issue of illegal immigration.

Well, he left office \$10.6 trillion in debt, but still very mild compared to what we are facing today, I think we would have to say.

Now, President Obama took office, and he and Joe Biden went to work. Do you know what they did in 8 years? They ended up just about doubling our Nation's debt—double.

President Trump came in, tried to pare back on regulations and cut the size of the Federal Government. And then we had COVID. That added to the debt.

Then here comes President Biden, and it is as if the printing presses have cranked up on printing those dollar bills, running them through as fast as they possibly can, because what the Biden administration and CHUCK SCHUMER and NANCY PELOSI had pushed through was \$1.9 trillion, saying that was necessary for CARES, even though all that money that had previously been spent had not been—or that had been appropriated had not been spent.

Now, here we have \$1.2 trillion. As my colleague said, it has become this bill of, here is a little bit for infrastructure, but, oh, by the way, over here, here is this great big downpayment on the Green New Deal. Don't worry that we don't generate enough electricity for an electric vehicle fleet; we will figure that one out later. Let's just put in subsidies for electric vehicles. Don't worry about giving more power to the Federal Government; we will give you back authority, local governments, if we think you need it. So \$1.2 trillion in spending. Then we hear that the bonus round in this lollapalooza is going to be \$3.5 trillion, but more likely, the realistic view is, it is going to be \$5 trillion.

So back to my point, people in Tennessee are saying "What in the world could you possibly be thinking? What could you possibly be thinking?" because they know the history of this Nation's debt.

Do you know what? And this really relates to much of the work that we do in SASC. They know that there is a threat from the people who own or hold our debt. Japan, our friend and ally, is at the top of the tier right now. The last time I checked last month on who owns our debt, you know, No. 2 is China. They own well over \$1 trillion or hold over \$1 trillion dollars of our debt. If you put the OPEC nations together—and, of course, after the Keystone Pipeline, we are now dependent on OPEC

and others for fuel. We were energy independent thanks to President Trump and Republicans in the House and Senate. We were energy independent. But OPEC is there in that top five, all those OPEC countries grouped together.

So people in Tennessee are really quite—they are miffed. They are put off by what is going on.

I was really surprised. I had a text this morning from one of my county mayors: I am all for infrastructure. I am for the Cornyn amendment. But you know what, I am not for this bill because you have got less—or about 25 percent of this that goes for something that we would deem infrastructure.

Tennesseans love to talk about infrastructure as four things. They talk about roads, river, railways, and runways. And, of course, we are a logistics State. Everyone knows Memphis has a big port and a rail hub, one of two cities where all five class A railroads come into that city. They know that interstates are important. They crisscross our State—indeed, Nashville, where you have three major interstates that crisscross right there in the middle of that city. They know that Tennessee—so many businesses choose to locate there because we are within an 8-hour drive of a majority of the Nation's population.

Logistics require good roads and rivers and rail and runways, but, you know what, they are not seeing it in this. When you, in the name of infrastructure, spend this amount of money—now, I have great respect for my colleagues on each side of the aisle who have worked to produce a product, to do it in a bipartisan way. That is commendable. It is commendable. For Tennesseans, the result is something that is frustrating to them.

You know, this is considered to be the world's greatest deliberative body. I always appreciated how our former colleague Senator Alexander would talk about the cup and saucer. The hot coffee gets poured into the cup. It spills over into the saucer. It cools off. You add some sweetener, and you get something that you enjoy. People expect more. They expect better of this deliberative body.

Tennesseans know that our Nation's freedom has been well-served by robust, respectful, bipartisan debate. That is a good thing. It strengthens freedom. It brings people together. It brings them to the table to talk about what is their priority.

Now, unfortunately, most of us in this body have not had the opportunity to be at that table. Amendments that we have worked on that we felt like would have improved this bill are not going to be heard—not here, not in a hearing, in a committee. We are just not going to see that as a part of this process. That is unfortunate, and it is going to be unfortunate if, indeed, that happens on the next bill or the bill after that or the bill after that. We should return to regular order and go through this process.

Now, I had about 30 amendments that I had offered as improvements for this bill. Rest assured, I am not going to stand here and go through each and every one of those amendments, but there are some things that I thought needed our attention in this bill.

As many of my colleagues know, broadband is something that, whether I was serving in the House or back in the State senate in Tennessee or before that, going in and reorganizing the Tennessee Film, Entertainment and Music Commission for our Governor, broadband and moving from analog to digital, making high-speed internet available all across our State, closing that digital divide—I have spent so many hours working on this. I filed three amendments that I felt like would really do some damage control on these and help close the divide, getting to our rural and unserved areas, people who have no internet.

Amendment No. 2327 would have prohibited the Federal Government from forcing municipal broadband provider programs into States that have outlawed them.

Now, Tennessee is one of those States that say to municipalities: If you want to serve people within your city, that is great. You go ahead. But you can't go outside of your boundaries.

There are other States that have had this issue. There is a reason they say: If you serve your constituents, great, but don't go outside that. It is because States that have allowed these schemes ended up banning them for a reason. Usually it is because these government-run systems would end up imploding, leaving the taxpayers with a bill that they were going to have to pay.

Now, another amendment, amendment No. 2377, would have prohibited the FCC, our Federal Communications Commission, from implementing price-setting schemes on broadband providers. Allowing the FCC to do that rate-setting and price-setting would destroy investment in rural broadband. It would destroy it. We know this. And it would actually incentivize providers in avoiding these unserved areas. Sometimes we talk about that as being that last mile that needs to get that fiber, that last mile that needs fixed wireless, that last mile that is needing some form of connectivity.

Amendment No. 2328—and we do hope this one makes it in the bill—would strike language permitting regulators to allow these broadband grant recipients to use the money for—and I am quoting the language in the bill—“any use determined necessary . . . to facilitate the goals of the program.” Now, this sounds vague. It is vague. If there is one thing that we learned prior when we put a lot of money out during President Obama's time, it is that sometimes this money ends up not being targeted to broadband but ends up as a slush fund.

We also have an amendment that will deal with a shovel-ready infrastructure

project on our southern border. Amendment 2406 would redirect \$1 billion from Amtrak. By the way, Amtrak is getting many billions of dollars in this bill. And it would send that money over to the Department of Homeland Security to finish the southern border wall construction.

We all know what is happening on that border: record numbers of illegal aliens coming in, many very sick, COVID-positive. We know that they are ending up—as are drugs, as are gangs—in cities and towns across this Nation. Indeed, until we secure the southern border, every town is a border town, every State is a border State.

God bless our law enforcement officers who are fighting this every day. I am hearing from them, and I want them to know I hear them, and I understand the pressures that they are under.

We also know that our communities are struggling trying to get back to work and really move forward with re-growing the economy, but inflation has gotten in the way.

One of the big problems that people point to with the high cost of fuel and logistics and the packing materials is the killing of the Keystone Pipeline. Amendment 2298 would amend section 4034 of the bill, which calls for a study on job loss and impacts on consumer energy due to the revocation of the permit for the Keystone XL Pipeline. My amendment says that if the report shows that killing the pipeline caused numerous job losses and an impact on consumer energy costs, that the President should revoke—he shall revoke his Executive order and get out of the way of the pipeline construction.

Get people back to work and get the prices at the pump, get them down. Get them down to where they were when President Trump left office. I mean, what is the purpose of a report if it doesn't have any teeth? So let's take an action on that.

There is no bill that is ever perfect. They all have to be worked on. Many times, we come back a year or so later, and we do technical corrections on a bill. We make changes. And this is no different. This bill needs time. It needs a thorough amendment process. It needs to go back to the committees of jurisdiction to work through these issues.

Are the American people for infrastructure? Yes, they are for infrastructure. Tennesseans are for infrastructure. I am for infrastructure projects. Yes, indeed. Am I for this piece of legislation? No, because it is a document that has misplaced priorities.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

H.R. 3684

Mr. LEE. Mr. President, we are debating a bill that a number of us have spoken of on a number of occasions. Since my last address on the Senate floor on this topic, we received a score on the bill from the Congressional Budget Office.

Now, remember, it is the CBO's role to put together a score on legislation we are considering. It is part of how the system works in Washington so we can assess what will and will not add to the deficit and how it will do so if it does. It is an important part of the process.

When we finally received the CBO score just about 48 hours ago, we discovered a few things. We discovered that, despite the representations we have heard by the bill's staunchest advocates to the effect that the bill would be paid for—that it is, that it would not add to the debt and deficit, and that it would not add to the debt and deficit in a way that also didn't involve raising taxes—it turned out that the CBO rejected the claim that this bill was paid for. In fact, the CBO concluded that \$256 of the \$550 billion it claimed in pay-fors did not pay. They are not paid for, and thus that they will considerably—I mean, we are talking here about over a quarter of a trillion dollars that would go right on to the debt and deficit.

They also concluded that in the long run, over the next 10 years, we will be looking at an additional \$340 billion in cost to the Federal Government—a cost that by some estimates could reach as high as \$400 billion because of the spillover effect that this bill is likely to have on future spending, contracting authority, and otherwise.

So this bill is not paid for. The pay-fors suggested by the bill's proponents don't get the job done. In fact, more than half of them simply don't get there. We do, however, see that there are some of the pay-fors that create significant policy concerns.

One of the pay-fors that isn't fake is an extension of the so-called g-fees—g-fees being imposed by entities like Fannie Mae that will inevitably increase the cost that home buyers will face when they go to buy a home. Now, why does that matter here? Well, we have seen a startling uptick in inflation—inflation across the board, everything from gas to groceries and everything from healthcare to housing. We see that increasing stunningly in a way that a lot of people are pointing out, correctly, that first-time home buyers are now finding it very difficult to get into a home. This is something that is going to end up affecting all poor and middle-class Americans at a time they can little afford it. And yet we are increasing these fees—fees that are in effect a back-door invisible tax on a lot of those who are least in a position to pay.

Some of the other non-fake pay-fors that actually do bring something in include an increase in the fees paid by

manufacturers and distributors of certain chemicals. The issue there is that this fee, while labeled as not a tax—because, technically speaking, it is not a tax—will end up increasing the price of basically every consumer good purchased by the American people.

The way these things end up working is that to the tune of about \$15 billion or so, Americans will find that pretty much everything they buy, from apparel to electronics, will get a little more expensive. They may not see it. In fact, the overwhelming majority of them won't even know to attribute it to this particular piece of legislation, but it will have that effect. It will make all Americans a little poorer. It will make all Americans face the very stark reality in which their already strapped dollars that they earn will go just a little bit less far.

We have to remember that from one year to the next, we don't see dramatic fluctuations in the quantity of goods that the American people have access to that they may buy. In other words, the U.S. economy is capable of producing a relatively foreseeable, predictable, somewhat finite supply of goods in a particular year. When that doesn't change dramatically from one year to the next, as it almost never does, but you dramatically increase the money supply in the U.S. economy, then what you see is that everything gets a little bit more expensive. This ends up hurting, in particular, America's poor and middle class. It ends up hurting, in particular, those Americans, including most Americans who in one way or another live paycheck to paycheck, who in one way or another depend on the income that they have, and the income that they have is relatively fixed. So, as a result of that, they don't get as far.

Now, you have got some Americans, including the wealthiest and well-connected in our society, who may well figure out ways to get wealthy off of this bill. One way or another, they can play things to their advantage, and they may make a lot of money off of it.

You have got another category of very wealthy Americans—maybe, you know, people in the top 1 or 2 percent of income earners—who might notice that the things they buy are getting more expensive, but it might not affect them all that much.

But then you have got everyone else, and I mean the vast, overwhelming majority of all Americans, who, in one way or another, plan out each year knowing that they have got a relatively finite amount of money to spend, and that money goes less far when we just print money to the tune of trillions and trillions of dollars.

Remember, the Federal Government, in recent years, has been spending about \$4 trillion a year. Tragically, even at the top of our economic cycle, with record low unemployment and with record high growth, we were still spending \$1 trillion a year more than we were bringing in—bringing in about

\$3 trillion, spending about \$4 trillion. This was inexcusable then. It would be inexcusable now, except that we are making it much, much worse.

Last year, we took in about \$3 trillion, and we spent \$3.6 trillion—borrowing and then printing close to 4 trillion additional dollars. What does this do? Well, it makes all Americans just a little bit poorer, especially those living on a relatively fixed income.

So this is troubling when we do that. We ought to be concerned when we do that. Inflation numbers that are coming out all the time, including some that I have heard about the first time today, indicate that everything is getting more expensive. And what are we doing? Well, we are on track to spend another \$1.2 trillion, including \$550 billion of new spending, which the bill's proponents claim is paid for when most of it isn't paid for. And that portion of it that is paid for is in one way or another often paid for in a way that will inure to the detriment of poor, middle-class Americans. This is concerning.

It is also concerning that one of the other pay-for provisions is the one focused on cryptocurrency. It focuses on an industry that is rapidly developing—rapidly developing within the United States—that depends on a lot of innovation happening in the United States. One of these pay-for provisions seeks to bring in more revenue to the Federal Government or at least to promise more revenue to the Federal Government, with the promise of requiring those who spy and sell cryptocurrency to treat it the same way as they would the exchange of securities.

This is very different than securities. These aren't just stocks. It is something very different. It is a medium of exchange that, if adopted more widely, could facilitate a lot of economic activity and a lot of innovation within the United States of America. If, in fact, we pass this bill, mark my words, it is going to have a chilling effect on innovation within this sector.

And what you will see is that the flight of innovation and investment related to innovation to offshore locations around the globe, places outside the United States, may well be the ones to reap the benefit associated with the loss here in the United States if we adopt an unproven, untested, unknown strategy for dealing with something, trying to adopt many decades-old regulatory policies to a completely new form of exchange; one that, by the way, values very highly the privacy of those who exchange it.

So if what you are going to do is take away that value by requiring that all of it be registered and publicly disclosed and by giving the Federal Government the ability to peer into it, you are going to stifle innovation. You are going to make a lot of people upset, and you are going to make Americans poorer.

At the heart of a lot of this is a concern that the Federal Government, as

it takes more and more money, as it prints more and more money, as it requires Americans to work weeks or months out of every year just to pay their Federal taxes, only to be told that it is not nearly enough and it hasn't been enough for many decades because we are nearly \$30 trillion in debt—it is still not enough because we are still going to borrow and print more.

It is insulting to them, and it is especially insulting to them when you tell them that in connection with the same legislation that also includes other intrusions into their privacy.

For example, there is a pilot program called for in this legislation that will be created by this legislation that would be designed specifically to monitor how many miles someone drives in a year. Now, this has long been a fantasy of a number of people who would like to see the Federal Government tracking miles driven by every motorist in America.

Now, we all know that there is almost no way to achieve this that wouldn't excessively interfere with the privacy rights of every man, woman, and child in America. Look, the American people are fine with a government that makes sure that we are safe from foreign aggressors, that regulates interstate and foreign commerce, that coins money and regulates the value thereof, that adopts a uniform set of bankruptcy laws, immigration laws, protects trademarks, copyrights, and patents.

What they do not want is a nanny. What they do not want is a snooping device added to every car that will track them; that will track where they and their families are going. It is none of their darn business. Keep the Federal Government out of this. Look, whether you want more government spending or not, chances are, if you are listening to this, you probably are concerned, regardless of what political hat you wear, regardless of whom you voted for in recent Presidential or congressional elections. You probably don't want the Federal Government in your car monitoring your every move knowing where you are going.

We know that when governments do that, when they start to assume that everything is government's business, bad things happen. It ends in tears and wars. That is none of the Federal Government's darn business. We don't want the Federal Government even developing technology to start snooping on every person's every move.

Which brings me to yet another intrusion on personal privacy and liberty in this legislation. Section 24220 calls for the development and, within just a few years, the formalization and finalization of regulations that would require passenger vehicles manufactured and sold within the United States to have a device that would passively measure the blood alcohol content of the driver and do so in a way that would inhibit or at least impair the

ability of the vehicle to operate if the vehicle, in its infinite wisdom, was able to ascertain that the blood alcohol content of the driver was over 0.8.

Now, look, we are all for stopping drunk driving. It is terrible. It results in countless lives lost. But we can all see a lot of things that can go wrong with that. Setting aside for a minute the constitutional implications of the intrusiveness of putting technology in every passenger vehicle that requires, at the outset, without any finding that anyone has done anything wrong, that requires you to take a test mandated by the Federal Government every time you want to do something as simple as turn on your car—then let's consider what happens when, with such a technology, which to my knowledge doesn't yet exist—with such a technology, assuming it is able to come into existence because of these burdensome regulations in a few years, that technology, if they are able to develop it, is going to be costly. Who does that hurt? Well, you guessed it. Poor and middle-class Americans who will all of a sudden find that every passenger vehicle will become a lot more expensive. It is just the way it works.

When we mandate the creation of new Federal regulations, and those Federal regulations apply to any new automobile sold in the United States, the price of new automobiles goes up. And in the case of a particularly novel and particularly sophisticated technology like this one, I suspect it will go up a lot.

This may not be troubling to the millionaires and billionaires out there who don't feel the pinch of that, but to everyone else, the 99 percent of all Americans—more than that, I suppose—this hurts. Moreover, what happens when that technology malfunctions? Not if but when. Look, we have all had cars that will malfunction for one reason or another, and oftentimes it is basic security devices, something as simple as that annoying beeper that goes off until you put your seatbelt on. Sometimes some people will put their seatbelt on, and it still pings. That is a terribly annoying nuisance when that happens. The consequences are much more deeply felt; they are much more severe if someone gets in the car, whether it is to go to work, to come home from work, to take a loved one to the doctor or the hospital, and it doesn't work.

Look, glitches happen, and if you are talking about adding an override to a vehicle—you know, maybe that override to the vehicle mistakenly thinks that it smells alcohol, maybe it doesn't like the aftershave or cologne you are wearing on that particular day, maybe the whole thing stops working, and your car stops working with it. This isn't one of those things where you can just open up the hood and find the presence of an on-off switch, as Jerry Seinfeld might have put it many years ago. No, this is much more sophisticated technology that the average,

hard-working American isn't going to be able to fix quickly. They won't even be able to see it. There again, they are going to face more costs as they take their vehicle into the shop to have it evaluated by a certified technician capable of dealing with that brandnew, very sophisticated, very expensive technology.

So with each of these things, we see something of a common theme. The Federal Government, which already plays too prominent a role in too many people's lives, which is already taxing us too much, spying on us too much, and considering everything under the Sun its business—we are making even more things its business, from cryptocurrency to where and how far you drive your car, to whether you can operate your car at all. We are doing all of this so that we can spend even more Federal money on even more Federal infrastructure projects, which are even more expensive by virtue of the fact that we are dealing with Federal dollars, for the simple reason that compliance with all the Federal regulations that accompany the expenditure of Federal infrastructure dollars costs a lot of money. In many States like mine, it can cost 20, 30 percent, sometimes even more, on top of what it would cost if these were just State revenues that they were spending.

So I would ask the question: Is it worth it? I would ask the question: Do we want Big Brother knowing our every move? I would ask the question: Do we want a government that is already requiring you to work weeks or months out of every year just to pay your Federal taxes? Do you want it printing even more money, making sure that the dollars that you spend, which are finite, limited, and sacred, will go even less far? I think not, and I urge my colleagues who support this legislation to reconsider.

The PRESIDING OFFICER. The senior Senator from Illinois.

ORDER OF BUSINESS

Mr. DURBIN. Mr. President, for the information of Members, we are planning to have a vote at 5 o'clock today on the confirmation of Eunice Lee to the Second Circuit Court of Appeals. I wanted Members to make their plans accordingly.

Thank you.

The PRESIDING OFFICER. The senior Senator from Maryland.

UNANIMOUS CONSENT REQUEST—S. 2675

Mr. CARDIN. Mr. President, I rise to speak about the Restaurant Revitalization Fund, and then I will be asking unanimous consent to consider legislation.

We included the Restaurant Revitalization Fund in our March legislation on COVID relief. We did that because, of all of the industries affected by COVID-19, restaurants have been some of the most difficult businesses to survive COVID-19.

They were ordered by government, basically, to shut down at the beginning of COVID-19. Then, as we started

to make progress, they were at much restricted operations. And to this day, restaurants are still not up to their full capacity. Their revenues have been very much decimated as a result of COVID-19.

We came together in March with bipartisan legislation in order to do something about that, and we included that in our legislation—\$28.6 billion of relief for restaurants. Now, what it did is cover some of their revenue loss as a result of COVID-19. It gave them a lifeline to be able to survive this pandemic.

We projected that \$28.6 billion would be the need, but we were wrong. We were wrong because COVID-19 was more severe than we thought, restaurants were more badly damaged than we had anticipated, and there was a great deal of more demand and need than the \$28.6 billion. We are now being told by the Small Business Administration that the right number was \$71.3 billion, or an additional \$42.7 billion that is needed.

I have introduced bipartisan legislation to provide this additional authority to the SBA to complete this program. It is bipartisan. My partner in this is Senator WICKER. We are joined by Senator SCHUMER, Senator MURKOWSKI, Senator CANTWELL, Senator ERNST, Senator SINEMA, Senator CASSIDY, Senator STABENOW, and Senator HYDE-SMITH. And I might add, there are many, many more Senators on both sides of the aisle who very much support our efforts to live up to our commitment.

Now, why do we need to take this up right now?

This is a matter of life or death for many restaurants in our community. There is also a matter of fairness.

We have two restaurants, side by side, in the exact same circumstances, submitting their applications on the same day, having the exact same need. Both were advised that they will get funding. One got funding before the \$28.6 billion was exhausted. The other that was told they were going to get funding, they won't get funding unless we act. That is not right.

There is a matter of the credibility of the U.S. Senate and of Congress and of government. We say we are going to do something. We should live up to our commitments. The urgency of getting this done is now.

I don't think there is a Senator in this Chamber who hasn't heard from restaurants in their State about how badly they need these funds and how they thought these funds were going to be in their bank, and they are no longer in the bank. I have heard from so many Senators about this. The urgency is now.

Let me just anticipate one other argument that I might hear, and that is: Well, where are we getting this money from?

Well, legislation before us takes \$36 billion out of the small business programs—\$36 billion. So this is paid for

by the rescissions that have been made in this legislation that we are considering, that is before us today. So for all of those reasons, this is a fiscally responsible thing to do.

Lastly, before I yield the floor to the majority leader, let me say that we made a commitment to help our small businesses. We did that—Democrats and Republicans—working together. In some cases we overestimated the dollars that we need. In some cases we underestimated the dollars that we need. But we always came back and provided the full funding for the programs we have authorized, and, in total, it is not much different than has previously been authorized.

This is a matter of fairness and a matter of absolute need that we provide the extra money now for the restaurants.

Before I make my unanimous consent request, I would yield the floor so the majority leader can get the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. SCHUMER. Well, I thank my good friend from Maryland for offering this UC, and strongly and fervently support it.

I have been proud to join Senators CARDIN and SINEMA in leading the fight to provide direct relief to this industry. We all know restaurants were particularly hard hit during COVID, and the idea that they have all recovered is just so far from the truth.

You know, any business where people had to gather were hit hard—hit the hardest; restaurants at the very top of the list, and they are a lifeblood to our cities and our communities. They, of course, are a place where people get food, but they get community. They join together. They feel roots. Whether it is a small town or a large city, restaurants in neighborhood after neighborhood, community after community, are often the glue that make communities tick; and they were hurt.

The funds that we provided, provided a lifeline to 100,000 applicants across the country. In my State of New York, \$3.6 billion went to 9,775 restaurants. But the job wasn't done. They ran out of money long before restaurants were helped.

And anyone who thinks our restaurants are out of trouble, I just ate at one last night—a Polish couple in Greenpoint—lovely little restaurant: Are you hurting? Yes; we might go under.

And this story could be repeated in restaurant after restaurant after restaurant.

In New York, 27,000 restaurants are waiting in desperation. These are hard-working people—very hard-working people. They struggle. They put their all, their whole heart and soul, into the business and provide, as I said, often the glue for our communities.

This legislation is fair. It is smart. It is right. We will get economic payback over and over and over again from keeping these restaurants going be-

cause they employ so many people, contract with so many independent suppliers and others. It just makes such sense.

It is almost cruel to tell these restaurants, "You are on your own now," when, through no fault of their own, they have suffered through with COVID.

So I strongly support this proposal by Senator CARDIN. We are going to keep at it and keep at it and keep at it because our restaurants so desperately need the help.

It was bipartisan in the past. Let's keep it bipartisan, but let's get the job done. Our restaurants need help, and our communities, our cities, our rural towns, our suburbs will be so rewarded when these restaurants are allowed to continue to stay open and to flourish.

I thank the Senator for his leadership.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me thank Senator SCHUMER for his comments. I agree completely with everything the Senator said.

I would just make one additional point before I make my unanimous consent request.

What I am asking for now has been what we have been following in regard to small business relief. Let me remind our colleagues that we work together, Democrats and Republicans, to craft the programs that help small business and save so many small businesses in our community.

We misprojected the costs of the Paycheck Protection Program, not by \$30 or \$40 billion, by over \$300 billion when we set it up. And we came back, Democrats and Republicans lived up to our commitment and made the funds available that all small businesses could get fair treatment and equitable treatment under the Paycheck Protection Program.

I am asking my colleagues to do the exact same thing we did for the Paycheck Protection Program for the Restaurant Revitalization Program.

And as already has been pointed out, there have been funds taken away from the small business programs under the bill we are considering on the floor today to almost the same amount that we are asking in supplemental funds.

With that, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2675 introduced earlier today; that the bill be considered read three times and passed; and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. PAUL. Mr. President.

The PRESIDING OFFICER. The junior Senator from Kentucky.

Mr. PAUL. The Treasury has been so thoroughly looted that we are incurring debt at a record-setting and alarming pace. Never in the history of our country have we incurred so much debt so fast.

Our national debt now exceeds \$28 trillion. It is now at 128 percent of our GDP. And we are asked by the Democratic Party to add \$48 billion without so much as a—could we have a debate in committee?—so much as even a word spoken over this. We are just going to add \$48 billion with no discussion. It is a huge mistake.

Now, it has been alleged that, well, the thing is that the restaurants are suffering because of COVID. No. They are suffering because Democrat Governors locked them down. This is a manmade phenomenon. The economic disaster that we are in, that restaurants are in, is completely and entirely caused by Democrat Governors.

In my State, they are suing the Democrat Governor because he won't let them open up. This is a manmade phenomenon. So if you reward a manmade phenomenon, you will get more of it.

You reward Democrat Governors who shut these restaurants down, guess what, they will shut them down longer. The longer you give money to Democrat Governors for their lockdown policies, the more lockdowns you will get.

We need to open up the country. We need to learn to live with this disease. As tragic as it has been, we need to learn to live with it.

But the lockdowns have not worked. Closing the restaurants did not work, did not change the trajectory of this virus one iota. The only thing that is changing the trajectory of this virus now is the vaccine, plus natural immunity. Closing the restaurants did nothing and is doing nothing, except for devastating the bottom line of restaurants.

So with that, I would object to the unanimous consent.

The PRESIDING OFFICER. The objection is heard.

Mr. CARDIN. Mr. President.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I regret the decision of my colleague from Kentucky.

I just really want to point out, we have had hearings in our committee—Small Business Committee—in which the Restaurant Revitalization Act was very much brought up during the hearing.

We have been receiving timely information about this program and how it has been implemented and the need for additional funds. So our committee has had ample opportunity to question how the program was being administered and the need for different funds.

I also regret that my colleague is holding the restaurants pretty much hostage and saying it is all right for us to give money to some but not others, when the administration of this was compromised because of a court case, and certain restaurants are now desperate as a result of not having adequate funds.

I am encouraged by the comments of the majority leader, Senator SCHUMER, that we will continue to focus on this

issue. I can tell you, it is urgent. We really need to deal with this immediately, and we will be looking for every available opportunity to treat our restaurants equitably and fairly and provide the money that is needed to implement the Restaurant Revitalization Program.

I regret that we are not able to act today because of the Senator's objection.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, I just would like to add a word and thank the Senator from Maryland for his leadership, and the Senator from New York for supporting this, and to reflect for a moment on the comments of the objector, the Senator from Kentucky.

His exact words were: We have got to learn to live with this.

Unfortunately, people are not living with this; they are getting infected and dying. And to accept the status quo and somehow make it a partisan issue—that it is the Democratic Governors who are responsible for what is going on here—is a sad oversimplification. In fact, it is tragic.

We know what is happening. We have a new variant of this COVID-19 virus that has emerged because it is still on the loose and it is changing by the day. We think the Delta variant is dangerous, maybe dramatically more contagious than the original virus.

We know that even people who have been vaccinated can unknowingly transmit this disease, the new Delta variant, and we know that it has taken a deadly toll on 90 percent of the patients who were not vaccinated and were subjected to the illness that came about.

I just want to say, in general, I couldn't agree more with Senator SCHUMER and Senator CARDIN that restaurants in our cities are really the lifeblood. Whether it is my hometown of Springfield, IL, or Chicago, which I am honored to represent, I will tell you that these restaurants are still struggling, and as they struggle, our cities struggle.

And people that I know really measure where we are, as an American nation, recovering by the vibrancy of these restaurant businesses, the ones that are our favorites and bring us together.

They have done their part. We should do our part to give them a helping hand. Let's get through this pandemic together. We are certainly not going to do it by saying that we have to accept the Delta variant and that whatever else follows is just the natural course of things.

We have it within our power to change that. More vaccinations and more careful use of masks and social distancing will make a difference—can make a real difference in this country. Until we come to grips with that reality, we are going to continue to face these devastating disappointments.

Again, I thank the Senator from Maryland for bringing this before us. I hope he will continue to offer it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF EUNICE C. LEE

Mr. SCHUMER. Mr. President, in a minute, I am going to ask to vote on confirmation for Eunice Lee to be a U.S. circuit judge on the Second Circuit. She is an amazing person. I interviewed her and recommended her to the President. She will be the only public defender on the Second Circuit. We have had very, very few public defenders on that circuit and largely on our Federal bench. They tend to be prosecutors, partners in big law firms. We are changing all of that and getting people who have different walks of life—like public defenders, like people from the ACLU, like people from different organizations—so we have a new perspective on the bench. She is a phenomenal person. I am so proud that she will now get on the bench.

I ask that the Senate now vote on confirmation of the Lee nomination to be a U.S. circuit judge.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Eunice C. Lee, of New York, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Lee nomination?

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from South Carolina, (Mr. GRAHAM), and the Senator from Florida (Mr. RUBIO).

The result was announced—yeas 50, nays 47, as follows: